

STATE OF INDIANA)
) SS:
COUNTY OF SULLIVAN)

IN THE SULLIVAN CIRCUIT COURT
2004 TERM
CAUSE NO. 77C01-0408-PL-00286

SEBASTIAN CHAPMAN,)
Plaintiff)

VS)

DANIEL BROUGH, et. al.)
Defendants)

FILED
IN CIRCUIT COURT
OCT - 1 2004

Ann Smith Mischler
Clerk, Sullivan Circuit Court

ORDER

The Plaintiff, pro se, having heretofore filed a COMPLAINT, and the Court having reviewed Plaintiff's COMPLAINT and I.C. 35-58-1-2, now finds as follows:

1. Plaintiff did not complete the grievance process before filing his COMPLAINT as stated in rhetorical paragraph 39 of Plaintiff's COMPLAINT.

2. Plaintiff is requesting relief that this Court cannot afford. Plaintiff's COMPLAINT is requesting the Court review the disciplinary action and determine that the finding of the Conduct Adjustment Board was incorrect, Order he be released from segregation, and that the Conduct Adjustment Board's finding of guilty be expunged from his record.

3. Pursuant to Hasty v. Broglin, 531 N.E.2d 200, 201 (Ind. 1988), there is no constitutionally protected right to judicial review of individual decisions of the prison disciplinary system. Neither Indiana statutes nor common law rules establish a prisoner's right to judicial review of prison disciplinary action. Id.

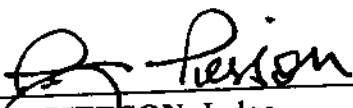
4. Based on I.C. 35-58-1-2(a), the Court finds Plaintiff's Complaint fails to state a claim upon which relief may be granted.

5. The Court further advises Plaintiff that pursuant to I.C. 35-58-2-1, once an offender has filed at least three (3) civil actions in which a state court has dismissed the action or a claim under I.C. 35-58-1-2, the offender may not file a new complaint or petition unless a court determines that the offender is in immediate danger of serious bodily injury (as defined in I.C. 35-41-1-25).

SO RECOMMENDED this 1st day of October, 2004.

Ann Smith Mischler
ANN SMITH MISCHLER, Magistrate
Sullivan Circuit Court

SO ORDERED this 1st day of October, 2004.



P. J. PIERSON, Judge
Sullivan Circuit Court

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